

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For * * * Catarrh, Asthma, Bronchitis, Neuritis, Sinus Trouble & Hay Fever."

On June 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22645. Misbranding of witch hazel. U. S. v. 129 Bottles of Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32693. Sample no. 67968-A.)

This case involved a shipment of witch hazel, the labeling of which contained unwarranted curative and therapeutic claims. The alcohol present in the article was not properly declared, since the statement of alcohol was inconspicuous.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 bottles of witch hazel at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by Sheray, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Witch Hazel * * * Gotham Pharmacal Company, New York City."

It was alleged in the libel that the article was misbranded in that its package failed to bear on the label a declaration of the quantity or proportion of alcohol contained in the article, since the declaration was inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Label) "Indicated for the relief of Rheumatism, * * * Piles, Hemorrhoids, etc."

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22646. Misbranding of Kuhn's Ep-Sum-Pill. U. S. v. 70 Packages of Kuhn's Ep-Sum-Pill. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32511. Sample no. 67906-A.)

This case involved a drug preparation labeled to convey the impression that its effects were derived from Epsom salt, whereas its Epsom salt content was insignificant, its principal therapeutic effects being derived from other laxative drugs. The labels also bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 packages of Kuhn's Ep-Sum-Pill at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 21, 1934, by the H. Dale Kuhn Laboratory, from Shelby, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained per pill: Aloin, phenolphthalein (approximately one-half grain), and Epsom salt (approximately 3 grains).

It was alleged in the libel that the article was misbranded in that the following statements on the packages were false and misleading, since they created the impression that the article depended for its effects primarily upon its content of Epsom Salt, whereas the Epsom salt contained in the article was in such proportion as to be essentially negligible while its principal physiologically active ingredients were aloin and phenolphthalein: (Metal container and circular) "Ep Sum Pill"; (metal container) "Epsom Salts Compound Pill"; (circular) "Formerly called Kuhn's Epsom Salts Compound Pill our Laboratory was the first to concentrate Epsom Salts and combine it with other ingredients." Misbranding was alleged for the further reason that the following statements and designs regarding the curative and therapeutic effects of the article were false and misleading: (Metal container and circular) "Keep Fit"; (circular) "Keeping the bowels free aids in controlling your weight * * *